

Message Text

CONFIDENTIAL

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43

ACTION PM-07

INFO OCT-01 EA-11 ADP-00 SS-15 NSC-10 CIAE-00 INR-10

NSAE-00 RSC-01 SSO-00 NSCE-00 INRE-00 USIE-00 PA-03

PRS-01 L-03 OMB-01 RSR-01 /064 W

----- 084267

O 291035 Z JUN 73

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC NIACT IMMEDIATE 4937

INFO SECDEF WASHDC IMMEDIATE

JCS WASHDC IMMEDIATE

CNO WASHDC IMMEDIATE

CINCPAC CAMP H M SMITH HI IMMEDIATE

CINCPACFLT PEARL HARBOR HI IMMEDIATE

COMUSJAPAN FUCHU JAPAN IMMEDIATE

COMUSARJ CAMP ZAMA JAPAN IMMEDIATE

COMNAVFORJAPAN YOKOSUKA JAPAN IMMEDIATE

COMSEVENTHFLT YOKOSUKA JAPAN IMMEDIATE

COMSCFE YOKOHAMA JAPAN IMMEDIATE

C O N F I D E N T I A L TOKYO 8251

E. O. 11652: GDS

TAGS: MARR, JA, US

SUBJ: JAPANESE MARITIME TRAFFIC SAFETY LAW (MTSL)

REF: AL. COMNAVFORJAPAN 290300 JUNE 73 (NOTAL)

B. COMUSJAPAN 290300 Z JUN 73 (NOTAL)

C. TOKYO 281640 Z JUN 73

1. COMNAVFORJAPAN PRESENTLY OF VIEW THAT US- GOJ
DISCUSSIONS THUS FAR CONCERNING APPLICATION OF THE
LAW TO US FORCES SHIPS HAVE NOT YET YIELDED
IMPROVEMENTS WHICH WOULD MEET MINIMUM NAVY REQUIREMENTS.
THEREFORE, PENDING CONTINUING DISCUSSIONS TO PRODUCE
FURTHER GOJ CONCESSIONS, COMNAVFORJAPAN REQUESTS THAT
WE FORMALLY SEEK A TEMPORARY (30 DAY) EXEMPTION
FROM THE LAW, WHICH BECOMES EFFECTIVE JULY 1. COMUSJAPAN
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SUPPORTS THIS REQUEST ON GROUNDS THAT ANY NEGOTIATIONS AFTER JULY 1 WOULD HAVE LITTLE SUBSTANCE OR MEANING.

2. EMBASSY RECOMMENDS AGAINST OUR ASKING FORMALLY FOR TEMPORARY EXEMPTION. WE HAVE ALREADY PROBED POSSIBILITY OF TEMPORARY EXEMPTION SEVERAL TIMES AT WORKING- LEVEL SESSIONS THIS WEEK, AND FONOFF AND MSA REPRESENTATIVES HAVE CONSISTENTLY AND CATEGORICALLY TURNED US DOWN. THEY BELIEVE STRONGLY THAT THEY UNABLE TO JUSTIFY TOTAL EXEMPTION OF US FORCES SHIPS, EVEN TEMPORARY, OWING TO UNDENIABLE NEED TO INSTITUTE TRAFFIC CONTROL AND SAFETY PROVISIONS. OPPOSITION DIET MEMBERS AND PRESS ARE VIRTUALLY CERTAIN TO GET WIND OF EXEMPTION ACTION AND USE IT AGAINST GOJ.

3. MSA AND FONOFF OFFICIALS ALSO BELIEVE THAT IT IS TOO LATE IN THE DAY TO EVEN CONSIDER SUCH REQUEST. THEY HAVE CONSISTENTLY POINTED OUT THAT THEY HAVE ALERTED US TO THE PROBLEMS LAST DECEMBER, EXPLAINED THE LAW OR RELATED REGULATIONS IN DETAIL TO US FORCES MEMBERS AT BRIEFING SESSIONS IN JANUARY AND APRIL, ALL THE WHILE SEEKING FEEDBACK FROM US SIDE. EVEN THE GOJ MEMO OF JUNE 28, 1973 IN RESPONSE TO OUR MAY 31 JOINT COMMITTEE MEMO SHOULD NOT HAVE COME AS A SURPRISE YESTERDAY, THEY SAID, SINCE INFO COPIES HAD BEEN PROVIDED US FORCES MEMBERS ON JUNE 14.

4. FINALLY, GOJ MAINTAINS VIEW THAT THE MARITIME TRAFFIC SAFETY LAW, AS MADE APPLICABLE TO US FORCES SHIPS (PARA 1 REF C) SHOULD NOT PROVE TO BE ONEROUS. THE NOTIFICATION- ACKNOWLEDGEMENT PROCESS APPLICABLE ONLY TO US HUGH SHIPS IS IN ESSENCE A FORMALIZATION OF CURRENT INFORMAL PRACTICE. IN OTHER WORDS, WE, THROUGH OUR CURRENT PRACTICE, RECOGNIZE THE NEED TO COMMUNICATE WITH MSA TO ENSURE SAFE AND TIMELY USE OF URAGA CHANNEL, EVEN WITHOUT THE LEGAL REQUIREMENT.

5. FOR THE FOREGOING REASONS, WE DO NOT THINK THAT WE WOULD GET ANYWHERE IF WE WERE TO ASK FORMALLY FOR TEMPORARY EXEMPTION NOW. EVEN IF TEMPORARY EXEMPTION GRANTED, WE DOUBT THAT OUR NEGOTIATIONS WOULD FARE CONFIDENTIAL

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BETTER THAN AT PRESENT, AND WE MAY DO EVEN LESS WELL SINCE TEMPORARY EXEMPTION WOULD REPRESENT, OF ITSELF, ADDITIONAL CONCESSION BY GOJ, MAKING OTHER CONCESSIONS LESS LIKELY.

6. REQUEST INSTRUCTIONS.
INGERSOLL

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*** Current Classification *** CONFIDENTIAL

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CINCPACFLT PEARL HARBOR HI
CNO WASHDC
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